

Application No. 09/676,800
Amendment filed July 1, 2004
Reply to Office Action dated February 2, 2004

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Remarks

Claims 18-34 are pending, with claims 18 and 34 being in independent form. By the present amendment, claims 18 and 34 have been amended without adding new matter.

In the Office Action, claims 18-23 and 26-34 stand rejected for obviousness over U.S. Patent No. 6,216,014 to Proust et al. ("Proust") and various combinations of U.S. Patent No. 6,018,724 to Arent et al. ("Arent"), U.S. Patent No. 6,384,850 to McNally et al. ("McNally"), U.S. Patent No. 6,512,923 to Pallas, U.S. Patent No. 6,249,584 to Hamalainen et al. ("Hamalainen"), U.S. Patent No. 6,418,326 to Heinonen et al ("Heinonen"), and U.S. Patent No. 5,991,618 to Hall et al ("Hall").

Amended claim 18 defines, among other things, a portable communication apparatus that includes, a man-machine interface having a display, a controller, an operating system, a local storage device for storing a first application, a wireless interface for connecting the portable communication apparatus to a remote device, and a secure resource which is only accessible from the operating system, wherein only the operating system is adapted to provide a security indicator through the man-machine interface at a dedicated sub-portion of the display only accessible to the operating system, the security indicator representing a secure connection between the secure resource and one of the first and second applications currently using the man-machine interface. Support for the amendment can be found on page 10, lines 5-11, of the specification.

In accordance with the MPEP, to establish a prima facie case of obviousness, the cited documents must teach or suggest all of the claim limitations and there must have been a reasonable expectation that the cited documents could have been successfully combined. The rejections cannot stand at least because no combination of the cited documents teaches all of the claim limitations. Moreover, there would have been no reasonable expectation that the cited documents could have been successfully combined to yield a working system, which even then would have had to be further modified to obtain the claimed subject matter. Motivations to combine the cited documents would also be absent, but it should be sufficient to point out the absent limitations and the lack of a reasonable expectation of success.

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The Examiner acknowledges that Proust does not disclose a security indicator through the man-machine-interface (see p. 4 of the Action), but relies on Arent with reference to col. 4, ll. 5-30 and col. 3, ll. 3-55. Arent, however, does not disclose or suggest displaying a security indicator at a dedicated sub-portion of the display only accessible to the operating system, as defined by claim 18. In contrast, Arent discloses an indicator displayed as a graphic that floats above a merchant web page. See Fig. 4, col. 3, ll. 46-49, and col. 4, ll. 17-20.

Thus, Arent does not disclose the use of a dedicated sub-portion of the display for displaying a security indicator, as defined by claim 18.

Moreover, Arent does not disclose that the location of the display where the indicator is displayed is a "dedicated sub-portion of the display only accessible to the operating system," as defined by claim 18. In Arent, the indicator is floating over a web page that is being displayed at the same location on the display. Therefore, the portion of the display displaying the indicator is clearly NOT only accessible to the operating system, since the merchant's web page is also displayed there.

The arrangement of claim 18 not only provides added security due to the inability of an unauthorized application taking over the sub-portion of the display and displaying a false security indicator, but also has the advantage of not covering any of the other display content with the indicator, in contrast to Arent.

Accordingly, Proust and Arent, alone or in combination, do not disclose or suggest the arrangement of claim 18 including a dedicated sub-portion of the display for displaying the security indicator. Moreover, none of the other cited documents cure this deficiency.

Accordingly, since the combination of Proust and Arent fails to disclose or suggest all of the claim limitations for at least the above reasons, the obviousness rejection of claim 18 should be withdrawn. Claims 19-34 are also distinguishable over the respective cited documents for at least the same reasons.

Moreover, if one had attempted to combine the disclosures of the cited documents, one would have been more likely to arrive at something that did not work at all or not in the manner claimed by the present application. As discussed above, one of ordinary skill in the art would have known that the features of Proust and Arent cannot be combined without further modification to reach the subject matter

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defined by claims 18-34. Neither document discloses or suggests a dedicated sub-portion of the display for displaying the security indicator. In the absence of any suggestion in the cited documents of how to make such a combination operable, one would have faced a serious engineering problem that naturally would have had a low probability of success without substantial experimentation and effort, especially in view of the need to modify the teachings of the documents. It is well settled that "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make that modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 23 U.S.P.Q.2d 1780, 1783-84 (Fed. Cir. 1992).

Accordingly, Applicant asserts that the combination of documents relied upon to support the obviousness rejection of claims 18-34 is improper, and respectfully requests the claim rejection be reconsidered and withdrawn for this reason also.

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.,

By: 

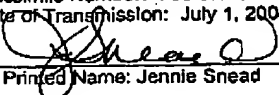
Theodosios Thomas
Registration No. 45,159

P.O. Box 1404
Alexandria, Virginia 22313-1404
(919) 941-9240

Date: July 1, 2004

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